

#19



Express Mail Cert. No. EL598673285US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: M. W. Beach, et al.

Application No.: 09/244,304
Filed: 3 Feb 1999
Group No.: 2164
Examiner: G. Akers
Applicant's Docket No.: END919980071US1

For: Preprocessor System and Method for Rejection of Duplicate Invoices

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GROUP 3600

Box DAC
Assistant Commissioner for Patents
Washington D.C. 20231

ATTENTION: Petition Information
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(M.P.E.P. § 1002.02(b), 7th ed.)

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OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNAVOIDABLY UNDER
37 C.F.R. § 1.137(a)

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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JUDITH A. BECKSTRAND

Judith A. Beckstrand
Signature

Date: 29 May 2002

1. Applicant petitions for the revival of the above-identified application.

S/N 09/244,304

Page 1 of 4

END919980071US1

06/04/2002 00000051 090457 09244304

02 FC:140 110.00 CH

2. Nature of abandonment:

- ☐ In an office communication from the PTO date _____, the undersigned has noted that the above-identified application is being forwarded to the Abandoned Files because applicant's response to the Office Action mailed _____ has not been received within the statutory period or any extension requested therefor.
- ☒ The undersigned has reviewed his records and noted that the response to the Advisory Office Action mailed 11 Jan 2002 was not timely filed within the statutory period or any extension requested therefor.

3. Response filed:

The proposed response to the Advisory Office Action mailed 11 Jan 2002

- ☐ has been filed on _____
- ☒ is enclosed herewith.

4. Showings from the relevant parties as to the causes of the unavoidable delays are filed herewith; said showing establishes that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unavoidable. 37 C.F.R. §1.137(a)(3).
5. It will be seen from the attached showings that the processing procedures have been carefully reviewed and that steps have been taken to avoid repetition of the events which took place in this case so that a similar error will not be made in the future.
6. Terminal disclaimer under 37 C.F.R. §1.137(c) is not required inasmuch as the above identified application was not filed before June 8, 1995 and is not a design application.
7. Status of applicant: This application is on behalf of other than a small business entity -- fee \$110.00.
8. Fee payment:

- ☐ Attached is a check in the amount of \$_____.
- ☒ Authorization is hereby made to charge the amount of \$110.00 to IBM Corp. Deposit Account No. 09-0457.
- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

9.

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred

despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53, 131, 53,159 (Oct. 10, 1997).

Shelley M Beckstrand 29 May 2002
Shelley M Beckstrand, Reg. No. 24,886
Attorney for Applicant
314 Main St.
Owego, NY 13827

Tel. No.: (607) 687-9913

DETAILED REASONS SHOWING THE CAUSE OF UNAVOIDABLE DELAY IN FILING A PROPER REPLY.

1. A DOCKET SUMMARY maintained by in the docket file by applicant's attorney is attached showing the actions and responses logged to the above identified application. Applicant's attorney also maintains a spreadsheet showing Office Actions and responses due. These records are in addition to those maintained by applicant's in-house attorney.
2. A Final Rejection dated 30 Aug 2001 was received on or before 10 Sep 2001 by the undersigned attorney for applicant and forwarded to applicant's in-house attorney on 10 Sep 2001.
3. Within two months of the Final Rejection, on 29 Oct 2001, applicant's attorney filed a Response After Final, a Rule 132 Affidavit, and Formal Drawings.
4. An Advisory Action dated 11 Jan 2002 (more than a month after applicants Response and after more than three months from the date of the Final Rejection) was received on or before 17 Jan 2002 by the undersigned attorney for applicant and forwarded to applicant's in-house attorney on 17 Jan 2002. Applicant's attorney was not able to decipher the Examiner's handwriting explaining why applicant's Response After Final did not place the case in condition for allowance.
5. On 17 Jan 2002, applicant's attorney called Examiner Akers to clarify the Advisory action, discuss the case and determine if allowable claims could be presented.
6. On 17 Jan 2002, 4:04:33 PM applicant's attorney faxed to Examiner Akers a DRAFT/PROPOSED CLAIM 1, and received an Auto-Reply Facsimile Transmission in response. A copy of this transmission and reply was forwarded to applicant's in-house attorney on 17 Jan 2002.
7. On or about 18 Jan 2002, Examiner Akers called and left on applicant's attorney's answer machine a message to the effect that DRAFT/PROPOSED CLAIM 1 was not yet satisfactory, and that due to his workload he would not have time to do more on the case until after middle of February.
8. An Interview Summary from Examiner Akers dated 17 Jan 2002 was received on or before 26 Jan 2002 in which applicant's attorney was advised that agreement was not reached with respect to claim 1, and that "Applicant has until 2/11/02 to file an "amended" claim 1...".
9. On 30 Jan 2002, 4:37:32 PM applicant's attorney faxed to Examiner Akers a SECOND DRAFT/PROPOSED CLAIM 1 and INTERVIEW SUMMARY and received an Auto-Reply Facsimile Transmission in response. Applicant's attorney requested "that the Examiner contact him at the number noted below before 11 Feb 2002 to determine if agreement can be reached...." A copy of this transmission and reply was forwarded to applicant's in-house attorney on 30 Jan 2002.

10. On 14 May 2002, applicant's attorney received a request from applicant's in-house attorney's secretary to submit a status request on the above-identified application.
11. On 16 May 2002, applicant's attorney mailed a status request to the USPTO for the above-identified application.
12. On 21 May 2002 applicant's attorney called Examiner Akers to discuss the status of the case, and was advised that the file was not available.
13. On 24 May 2002 Examiner Akers called to outline a claim he would deem allowable. He advised applicant's attorney that applicant's fax of 30 Jan 2002 apparently was not received and placed in the application file. In a subsequent call on this date Examiner Akers advised applicant's attorney that he would be issuing a notice of abandonment and that a petition to revive and continuation application would be needed.

Applicant has not yet received a notice of abandonment.

On the above facts, applicant requests that the entire delay be deemed unavoidable.

Date: 29 May 2002


Shelley M. Beckstrand Reg. No. 24,886
Attorney for Applicant

Enclosures:

- A. DOCKET SUMMARY, EN998071 (aka END919980071US1)
- B. 17 Jan 2002 fax transmission and response fax
- C. 30 Jan 2002 fax transmission and response fax
- D. Continued Prosecution Application Transmittal
- E. Preliminary Amendment



DOCKET SUMMARY

Shelley M Beckstrand, P.C.
Attorney at Law
314 Main St.
Owego, NY 13827
607 687-9913

DOCKET EN998071
S/N 09/244,304
FILING DATE 3 FEB 1999

Title Preprocessor system and method for rejection of duplicate services
Inventors Michael W. Beach et al

TO/FROM IBM/INVENTOR

DATE	DESCRIPTION
_____	IBM Docket Letter
_____	Disclosure
_____	Technical Evaluation
_____	Search Request/Results
_____	Inventor Data
_____	Docket to IBM for Filing

TO/FROM USPTO

DATE	DESCRIPTION
<u>2-3-99</u>	Application: Spec/drawings/xmit
<u>1-29-99</u>	Declaration and Power
<u>2-1-99</u>	Assignment
<u>10-9-98</u>	IDS/1449/art copies
<u>10-29-01</u>	Formal Drawings

10-29-01 Support affidavit

2-3-99 Postcard receipt - filing

2-3-99 Filing Receipt

2-3-99 Recordation of Assignment

6-12-99 Recordation of Assignment

6-2-99 Notice of Non-recordation of document

3-2-00 Office Action

5-25-00 Amendment

5-30-00 Postcard receipt - amendment

8-9-00 Office Action - final

10-8-00 Amendment after final

10-12-00 Postcard Receipt - amend final

11-30-00 Examiner interview

12-5-00 Advisory Action

12-7-00 Examiner interview

12-8-00 Petition - time extension

12-8-00 CPA transmittal

12-8-00 Postcard Receipt - CPA

4-23-01 Converted filing receipt

8-16-01 Notice of Publication

4-11-01 Office Action

8-6-01 Petition - extension of time

8-6-01 Amendment/Response

8-9-01 Postcard Receipt - amendment

TO/FROM USPTO

8-30-01 Office Action - final

10-29-01 Formal drawings

10-29-01 Amendment after final and
submission of affidavit

12-31-01 Postcard receipt - amendment
and affidavit

1-11-02 Advisory Action - rejection

1-17-02 Examiner interview notes

1-17-02 Proposed claims filed to Examiner

1-18-02 Answering machine response

1-18-02 Interview summary

1-30-02 Letter re 2d draft claims

5-16-02 Status Request

5-21-02 Examiner interview

5-24-02 Examiner interview (implied)

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JUL 08 2002

OFFICE OF PETITIONS

TO:Auto-reply fax to 607-7848 COMPANY:

Auto-Reply Facsimile Transmission



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TO:

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1/30/02 4:37:32 PM [Eastern Standard Time]

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5 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPEP) section 702.04 et seq.

Received
Cover
Page

=====>

Jan-30-02 03:57P Shelley M Beckstrand 607 687-7848 P.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Applicant : M. W. Beach, et al.
Serial No. : 09/244,384
Filed : 3 Feb 1999
Examiner : G. Akers
Group : 2164

Entitled : Preprocessor System and Method for Rejection of Duplicate Invoices

Docket No. : 67998071

Assistant Commissioner For Patents
Washington, D.C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the following attached correspondence comprising:

CERTIFICATE OF FACSIMILE TRANSMISSION
LETTER RE SECOND DRAFT/PROPOSED CLAIM 1 AND INTERVIEW
SUMMARY

is being facsimile transmitted to the United States Patent and Trademark Office,
Technology Center TC2100 (After Final: Fax No. 703 746-7238)

on 30 Jan 2002
(date)

SHELLEY M BECKSTRAND
(Typed or printed name of person signing certificate)

Shelley M Beckstrand
(Signature of person transmitting paper or file)